

**NEWBERG CITY COUNCIL MINUTES
APRIL 7, 2014, 7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held at 6:00 PM preceding the meeting. An executive session pursuant to ORS 192.660(2)(i) relating to the performance review of the municipal judge was held. All councilors, except Councilor Mike Corey; mayor, Judge Blake, Jr., city recorder, and minutes recorder were present. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews Bart Rierson	Denise Bacon Stephen McKinney	Ryan Howard Lesley Woodruff
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Members Absent: Mike Corey (excused)

Staff Present:	Lee Elliott, city manager pro tem Jay Harris, city engineer Steve Olsen, interim building & planning director Nicole Tannler, minutes recorder	Truman Stone, city attorney Jessica Pelz, assistant planner Norma Alley, city recorder
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Others Present: Rick Fieldhouse, Brittani Johnson, Denise Banta, Ken Warren, Douglas Heuer, and Kathryn Goebenhain

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. SPECIAL PRESENTATIONS

1. Consider a motion approving a proclamation declaring the week of April 6-12, 2014, as National Volunteer Week in celebration of all the volunteers in our community that help keep our city and community thriving.

MOTION: Bacon/Woodruff approving a proclamation declaring the week of April 6-12, 2014, as National Volunteer Week in celebration of all the volunteers in our community that help keep our city and community thriving. Motion carried (6 Yes/0 No/1 Absent [Corey]).

2. Consider a motion approving a proclamation declaring April 14 –19, 2014 as National Public Safety Telecommunicators Week.

MOTION: Bacon/Woodruff approving a proclamation declaring April 14 –19, 2014 as National Public Safety Telecommunicators Week. Motion carried (6 Yes/0 No/1 Absent [Corey]).

V. CITY MANAGERS REPORT

Mr. Lee Elliott, city manager pro tem, reported large amounts of rain caused water to back up into the basement of City Hall but was caught early and we are now going through a renovation process. The Citizens' Rate Review Committee has finished their review and utility rates will be on the May 5, 2014, agenda. Budget meetings will commence on April 9, 2014, and meet every Tuesday until approved.

VI. PUBLIC COMMENTS

Mayor Andrews opened and closed the public testimony; no citizens appeared.

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3123** approving the appointment of Bryan Ortiz and Adam Claussen as full-time Maintenance Technician I positions.
2. Consider a motion adopting **Resolution No. 2014-3122** authorizing staff to submit an application to the state of Oregon business development department for the designation of an enterprise zone with the urban growth boundary (UGB) of the city of Newberg.
3. Consider a motion approving the city council minutes from January 6, January 21, February 3, and February 18, 2014.

MOTION: **Rierson/Howard** adopting **Resolution No. 2014-3123** approving the appointment of Bryan Ortiz and Adam Claussen as full-time Maintenance Technician I positions, **Resolution No. 2014-3122** authorizing staff to submit an application to the state of Oregon business development department for the designation of an enterprise zone with the urban growth boundary (UGB) of the city of Newberg, and approving the city council minutes from January 6, January 21, February 3, and February 18, 2014. Motion carried (6 Yes/0 No/1 Absent [Corey]).

VIII. PUBLIC HEARING

Consider a motion adopting **Ordinance No. 2014-2772** declaring a moratorium on medical marijuana facilities within Newberg and declaring an emergency.

Mayor Andrews introduced the legislative hearing and called for any conflicts of interest or abstentions; none appeared.

Mr. Truman Stone, city attorney, presented the staff report. (see official meeting packet for full report).

Mr. Rick Fieldhouse, resident and student of Newberg history, stated Newberg had prohibition until 1966 and even though Newberg prohibited alcohol it took them a long time to get comfortable with it. Some folks just need a little more time to get comfortable with this idea.

Ms. Brittani Johnson, Newberg Downtown Coalition representative, said it is in the best interest of downtown to research this idea and learn from Washington State's first year. Give us this moratorium so we can prepare for this uncharted territory. The coalition board recommends approving the moratorium. Councilor Ryan Howard asked for the coalitions vote results. Ms. Johnson said one abstention and everyone else yes.

Ms. Denise Banta said she has worked in emergency rooms and as a healthcare provider believes in both traditional and non-traditional use of medication. There is a lot of information out there and doing a quick

search brought up a lot of public blogs and information. I was distressed to see how easy it is for anyone to get a marijuana card even without medical issues. While medical marijuana was intended for medical use, and I have seen it cure most anything, it seems to be turning toward recreational use. I ask you take time and evaluate this impact on our community.

Mr. Ken Warren, Newberg-Dundee Police Citizens Advisory Committee chairman, stated the committee supports a moratorium.

Mr. Douglas Heuer testified the 70 year history of prohibition and laws were first used to discriminate against Hispanics and this county has a special brand of discrimination. There has only been one application and that was in Dundee. Legalization will be allowed before the year is passed and because of the continuing prohibition the black markets will thrive. I am hoping the City Council keeps up with their vision statement to promote a healthy community. Councilor Denise Bacon asked can a person with a medical marijuana card get it from other than a dispensary. Mr. Heuer replied they can produce a large variety that can be used for many different medical issues.

Ms. Kathryn Goebenhain said I would like you to consider the many people who do not want to come forward because of the negative connotation. I am a massage therapist and I have clients who would benefit from medical marijuana. Mayor Andrews asked can these people can get medical marijuana now. Ms. Goebenhain said no these are people who are afraid of being judged by the community and they need somewhere close to get what they need.

Mr. Stone submitted two letters in to the record from Councilor Mike Corey and the Chamber of Commerce supporting the moratorium. Mr. Stone said it is not appropriate for him to make a recommendation, but from a legal and regulatory standpoint, the city is ready for this and would need time to prepare. Councilor Howard asked what kind of additional regulations would you recommend we will need over the next year. The city's zoning code has not contemplated this kind of use, does not address it specifically, and dispensaries do not fit into general retail. There may be other regulations the council wants to put in place like hours. I would say this has come on in a quick process and there has been a lot of uncertainty and rules may change over the next couple of months.

Councilor Bacon asked what other businesses do we have that specifically addresses regulations of hours that we isolate and make rules for. Mr. Steve Olsen replied there are questions on how to classify this because of proximity to schools and neighborhoods and this is not a process that would take a year. Most uses fall within broad general categories and we try not to categorize. Mayor Andrews stated within the state law there are requirements of time, place, and manner.

<p>MOTION: Rierson/McKinney adopting Ordinance No. 2014-2772 declaring a moratorium on medical marijuana facilities within Newberg, declaring an emergency, waive the second reading, and read by title only.</p>
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Councilor Howard said this has been an interesting debate and we heard some concerns on the medical marijuana dispensary administration and this will not change that. I have heard more support than non-support on not having a moratorium. There is a strong support for these dispensaries, but many do not come out because of the stigmatism associated with it. I recognize the concerns and dangers brought up and I am in support of a program that can regulate dispensaries. I called Hazelden and asked about the dependence of marijuana and they said that is a very rare occurrence. The risk of not allowing dispensaries may encourage patients to use the black market, which may be marijuana that has not been regulated. What we are doing here is putting prohibition on a whole business. What will happen next year is people will ask for more time again. Right now the state has put a lot of thought into this and we need to find the solutions right now and put a system in place that will reduce the harm. That means not imposing a moratorium and I ask we impose a six month moratorium rather than one year.

Councilor Bacon stated I also received the most phone calls in five years about this. They are developing marijuana used more for medical and less for the high; it seems we fear what we do not know. A prominent member of the community said yes people are arrested with medical marijuana cards, but for other crimes. It has been reported there are lower crime rates with the regulation rather than the black market.

Councilor Lesley Woodruff said I am in support of the moratorium and do not see this as another year to ignore this, but as a way to take action and make something that is going to work for people who need it.

Councilor Bart Rierson said while I initially was against the moratorium, I would like the bugs in the system fixed. It is a system that has a lot of abuse and I like idea of getting people off the black market. I do not want to just push it down the road; rather, we should put things in place and have proper protections, which is why I have changed my position.

Councilor Stephen McKinney stated he was happy to second the motion to begin discussion although I find the moratorium distasteful, because this issue presents a lot of work for city staff. I feel the rules and legislation will change over the next year and we will be discussing different issues then.

MOTION: Howard/Bacon to amend **Ordinance No. 2014-2772** declaring a moratorium of six months on medical marijuana facilities. Motion failed (2Yes/4 No [Rierson, Andrews, Woodruff, McKinney]/1 Absent [Corey]).

VOTE: adopting **Ordinance No. 2014-2772** declaring a moratorium on medical marijuana facilities within Newberg and declaring an emergency and waive the second reading. Motion carried (4Yes/2 No [Howard and Bacon]/1 Absent [Corey]).

IX. CONTINUED BUSINESS

Consider a motion adopting **Resolution No. 2014-3115** adopting a revised engineering fee schedule.

Mayor Andrews postponed Resolution No. 2014-3115 to the April 21, 2014, agenda.

X. COUNCIL BUSINESS

MOTION: Andrews/Rierson to compensate municipal judge by an increase of 4% in the 2014/2015 fiscal year.

Councilor McKinney stated he thinks he gives much more time than credits and deserves more than a 4% raise. Mayor Andrews said I think we should look into getting him benefits. Councilor Howard said I can not support this because of the budget meetings coming up and think we should look there for benefits in lieu of salary increase. I think it would be better to address this in that context. Councilor Woodruff said I agree with Councilor Howard on this.

VOTE: to compensate municipal judge by an increase of 4% in the 2014/2015 fiscal year. Motion failed for lack of majority approval (3Yes/3 No [Howard, McKinney, Woodruff] /1 Absent [Corey]).

XI. EXECUTIVE SESSION

1. Executive session pursuant to ORS 192.660(2)(a) relating to employment of a public officer, employee, staff member or individual agent – City Manager Recruitment.

Mayor Andrews called the executive session to order at 8:22 PM. Executive session was held with all councilors, except Councilor Corey whom was absent from the meeting; the mayor; city recorder and MWVCOG Executive Director Nancy Boyer present. No action was taken and no decisions were made.

Mayor Andrews closed the executive session and opened the public meeting at 8:58 PM.

2. Executive session pursuant to ORS 192.660(2)(h) concerning legal right and duties regarding current litigation related to the south industrial urban growth boundary (UGB) appeal.

Mayor Andrews called the executive session to order at 9:01 PM. Executive session was held with all councilors, except Councilor Corey whom was absent from the meeting; the mayor; city manager; city attorney; city recorder; interim planning and building director; and associate planner present. No action was taken and no decisions were made.

Mayor Andrews closed the executive session and opened the public meeting at 9:44 PM.

MOTION: **Rierson/Woodruff** to direct staff to prepare an RCA in support of Option 4 for future council consideration on May 5, 2014. Motion carried (6 Yes/0 No/1 Absent [Corey]).

3. Executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

Mayor Andrews called the executive session to order at 9:47 PM. Executive session was held with all councilors, except Councilor Corey whom was absent from the meeting; the mayor; city manager; city attorney; city recorder; interim planning and building director; and associate planner present. No action was taken and no decisions were made.

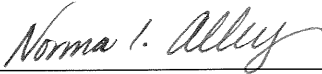
Mayor Andrews closed the executive session and opened the public meeting at 10:45 PM.

MOTION: **Howard/Bacon** to authorize the city manager pro tem to eliminate the animal control officer position, begin discussion with the county regarding leasing the animal shelter, end the assistant city manager position, and prepare to hire the public works director. Motion carried (4 Yes/2 No [McKinney/Rierson]/1 Absent [Corey]).

XII. ADJOURNMENT

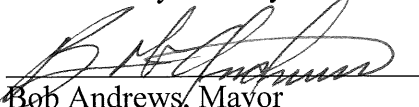
The meeting adjourned at 10:58 PM.

ADOPTED by the Newberg City Council this 5th day of May, 2014.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 8th day of May, 2014.



Bob Andrews, Mayor